

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

LEONIDAS BIMENYIMANA AND
GREGOIRE NYAMINANI, *et al.*,

Petitioner,

V.

Case Nos. 1:09cv721 (TSE/TCB)
1:09cv773 (TSE/TCB)

JOSEPH HIGGS, JR., Superintendent,
Rappahannock Regional Jail, *et al.*,

Respondents.

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Comes now the Plaintiff, by and through counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) files this voluntary dismissal without prejudice, stating as follows:

1. Petitioner Bimenyimana filed a Petition for Writ of Habeas Corpus with this Court on June 30, 2009 in case number 1:09cv721.
2. Petitioner Gregoire Nyaminani filed a Petition for Writ of Habeas Corpus with this Court on July 14, 2009 in case number 1:09cv773.
3. On October 9, 2009, Petitioner Bimenyimana filed a Motion for Consolidation of Cases.
4. On October 28, 2009, Petitioner Bimenyimana and the Respondents filed a Consent Order for Consolidation.
5. At a hearing on November 13, 2009, The Honorable T.S. Ellis, III consolidated the cases of Petitioner Bimenyimana and Petitioner Nyaminani.

6. On November 12, 2009, Respondents filed a Notice of Second Related Case alleging that the Petitions for Writs of Habeas Corpus filed by Petitioners Bimenyimana and Nyaminani related to a Complaint filed by Petitioners Bimenyimana, Nyaminani, and Francois Karake in the United States District Court for the District of Columbia, case number 1:09cv2082 (RMU).

7. At the hearing on November 13, 2009, discussion occurred regarding voluntary dismissal of the case or a stay of the case pending the outcome of the District of Columbia case.

8. At this time, Plaintiff wishes to voluntarily dismiss this case without prejudice.

Respectfully submitted,

/s/

Ofelia Lee Calderon, VSB 76566
Attorney for Leonidas Bimenyimana
Marks, Calderon, Derwin & Racine PLC
3300 N. Fairfax Drive
Suite 201
Arlington, VA 22201
Tel (703) 248-9000
Fax (703) 248-0039
ofelia@mcdrlaw.com

/s/

Jeffrey B. O'Toole
Danya A. Dayson
O'Toole, Rothwell, Nassau & Steinbach
1350 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20036
(202) 775-1550

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of November, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF, which will then send a notification of such filing (NEF) to the following:

Leslie Bonner McClendon
United States Attorney's Office
2100 Jamieson Ave
Alexandria, VA 22314
703-299-3700
Leslie.mcclendon@usdoj.gov

Gordon D. Kromberg
United States Attorney's Office
2100 Jamieson Ave
Alexandria, VA 22314
703-299-3700
Gordon.kromberg@usdoj.gov

Bradley R. Miliauskas
Alston & Bird, LLP
950 F Street, NW
Washington, D.C. 20004-1404
202-756-3405
Bradley.miliauskas@alston.com

/s/

Ofelia Lee Calderon, VSB 76566
Attorney for Leonidas Bimenyimana
Marks, Calderon, Derwin & Racine PLC
3300 N. Fairfax Drive
Suite 201
Arlington, VA 22201
Tel (703) 248-9000
Fax (703) 248-0039